

FILED
AH JAMES PONINI
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
Case No. C-1-00CV-301**

04 FEB 24 AM 9:41

RECEIVED
FEB 24 2004
DISTRICT CLERK

BRIAN PRICHARD

PETITIONER-APPELLANT

VS

HARRY RUSSELL,

RESPONDENT-APPELLEE

NOTICE OF APPEAL

Notice is hereby given that Petitioner Brian Prichard, through counsel, appeals to the United States Court of Appeals for the Sixth Circuit, from the final judgement in his case--the order and opinion entered on February 10, 2004, by the Federal District Court for the Southern District of Ohio, denying Mr. Prichard's petition for habeas relief.

Additionally, Mr. Prichard, through counsel, appeals to the United States Court of Appeals for the Sixth Circuit from the final judgment denying a certificate of appealability for Mr. Prichard, entered on February 10, 2004, by the Federal District Court of the Southern District of Ohio.

Respectfully submitted,



BRENDA POPPLEWELL
307 West Mount Vernon St.
Somerset, KY 42501
Voice 606/451-0112
Fax 606/676-9602
Email Brenda@brendapopplewell.com
ATTORNEY FOR BRIAN PRICHARD

CERTIFICATE OF SERVICE

I certify that the original and 10 copies of the foregoing notice of appeal was mailed via FedEx to:

Clerk, Federal District Court
for the Southern District of Ohio
Potter Stewart Courthouse
100 East 5th St. Room 324
Cincinnati, OH 45202

and that a copy was mailed certified mail to Lead Attorney to be Noticed:

Hon. Bruce Horrigan
Office of Ohio Attorney General
Corrections Litigation Section,
State Office Building, 12th Floor
615 West Superior Avenue
Cleveland, Ohio 44113

all on this the 23th day of February, 2004.

A handwritten signature in black ink, appearing to read "Brenda Popplewell", is written over a horizontal line.

BRENDA POPPLEWELL
ATTORNEY FOR BRIAN PRICHARD